

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-219875

**DATE:** September 25, 1985

**MATTER OF:** Camex Industries, Inc.

**DIGEST:**

A firm challenging a contract award is not an interested party under GAO Bid Protest Regulations, and its protest is dismissed, where it would not be in line for award if its protest were upheld.

Camex Industries, Inc. protests the award of a contract to Computer Supplies Unlimited under request for quotations N60921-85-Q-A334, issued by the Navy for magnetic disk packs. Camex contends that Computer supplies intends to supply reconditioned equipment despite the solicitation requirement for new (not reconditioned or recertified) magnetic disk packs. We dismiss the protest.

Under our Bid Protest Regulations, a party must be "interested" before we will consider its protest. 4 C.F.R. § 21.1(a) (1985). A party is not interested if it would not be in line for award should its protest be upheld. Central Air Service, Inc., B-218833.2, May 21, 1985, 85-1 CPD ¶ 580. Here, Camex was the 23rd low offeror. Since 22 other offerors would remain eligible for award even if its protest of the award to Computer Supplies were successful, Camex is not an interested party and we need not consider its protest.


In any event, there is nothing on the face of Computer Supplies' quotation to indicate that it intended to deliver nonconforming items. Whether that firm is capable of supplying conforming items involves its responsibility. Our Office does not review affirmative responsibility determinations absent a showing of possible fraud or bad faith on the part of contracting officials or that definitive responsibility criteria contained in the solicitation have not been applied. 4 C.F.R. § 21.2(f)(5); Libby Corp., B-218367.2, Apr. 10, 1985, 85-1 CPD ¶ 412. Neither exception is alleged here.

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The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger  
Deputy Associate  
General Counsel